

**AMENDMENTS TO THE CLAIMS**

**This listing of claims will replace all prior versions and listings of claims in the application:**

**LISTING OF CLAIMS:**

1. (original): A separator for non-aqueous electrolyte secondary battery, wherein the separator comprises a shut-down layer, a heat-resistant microporous layer, and a spacer having a form of particles, fibers, net or porous film on the surface of the heat-resistant microporous layer.
2. (original): The separator for non-aqueous electrolyte secondary battery according to claim 1, wherein the heat-resistant microporous layer consists of heat-resistant resin.
3. (canceled).
4. (currently amended): The separator for non-aqueous electrolyte secondary battery according to claim 1, wherein ~~the electrochemically stable substance~~ the spacer is an electrochemically stable organic polymer, or an electrochemically stable organic layer polymer containing an electrochemically stable inorganic compound.
5. (original): The separator for non-aqueous electrolyte secondary battery according to claim 1, wherein the spacer has a form of particles and a particle diameter of 3  $\mu\text{m}$  or less.
6. (original): The separator for non-aqueous electrolyte secondary battery according to claim 1, wherein the static friction coefficient between the spacer-disposed separator surface and a stainless steel surface ground by a 1000 grit polishing paper is 0.5 or less.

AMENDMENT UNDER 37 C.F.R. § 1.111

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7. (original): The separator for non-aqueous electrolyte secondary battery according to claim 1, wherein the spacer is formed by coating an application liquid containing an electrochemically stable substance on the surface of the heat-resistant microporous layer.

8. (original): The separator for non-aqueous electrolyte secondary battery according to claim 6, wherein the application liquid is a suspension.

9. (currently amended): The separator for non-aqueous electrolyte secondary battery according to claim 3 ~~or~~ 4, wherein the electrochemically stable substance is an organic polymer selected from the group consisting of a polyolefin, a polyolefin copolymer, a fluorine-containing polymer, a polycarbonate, an aromatic polyester, a polyethylene terephthalate and a cellulose.

10. (currently amended): A non-aqueous electrolyte secondary battery including the separator for ~~non-aqueous~~ non-aqueous electrolyte battery according to any one of claims 1 to 8.

11. (original): The non-aqueous electrolyte secondary according to claim 10, wherein the spacer is adjacent to a cathode.